

MINUTES

SALINA BOARD OF ZONING APPEALS

City Commission Room 107

Thursday, February 15, 2007

MEMBERS Funk, Morse, Sanborn, Schmitt and Wilson

PRESENT:

MEMBERS Lange and Worth

ABSENT:

STAFF

PRESENT: Andrew, Asche, Burger and Herrs

Item #1. Approval of the minutes of the regular meeting of January 18, 2007.

The minutes of the regular meeting held on January 18, 2007 were approved as presented.

Item #2. Application #V06-16, filed by Tammy Toothman / Michael Erickson, requesting a side yard setback variance of 4.5 ft. from 7.5 ft. (the minimum side yard setback required for a lot in an R-2 (Multi-Family Residential) zoning district) to 3 ft. to allow the construction of a 12 ft. by 24 ft. house addition to match the existing side yard setback of the house. The subject property is legally described as Lots 6 & 8 in Block 12 of the Episcopal Military Institute Addition to the City of Salina, Saline County, Kansas and addressed as 1007 N. 7th Street. Continued from the January 18, 2007 meeting.

Mr. Andrew presented the updated staff report, including visual presentation of photographs and site plan details, which are contained in the case file. He stated that staff did not have accurate measurements at the time the packet went out but does have that information as of this afternoon. Staff's conclusion is that the existing building setback is less than 3 ft. on the north.

Mr. Schmitt stated I think I would like to have Tammy Toothman step up to the podium.

Mr. Wilson stated first I have a question of the staff. Mr. Andrew you mentioned there is a regulation that if a building is less than 3 ft. from the property line the wall has to be fire retardant material?

Mr. Andrew stated that is correct.

Mr. Wilson asked could you go back to that first slide where you had the overview of the neighborhood, the very first one you showed? For the information of everybody here and watching I just wanted to say that that is on the internet, so if you have internet access in your home you can go on the City website and call up those maps. It is a very handy thing to have. That's all I have to say.

Mr. Andrew stated this board has seen that come up. That's one of the reasons that we have a minimum side yard of 3 ft. for a garage or a storage building because you can do that without having any special type of construction or fire retardant material if you maintain the 3 ft. separation. But this board has seen some cases where we've even had requests for zero setback garages or 1 ft. setback garages where again we'd have to look at eaves and overhangs and we'd have to look at the ability to get to that side of the building if you're going to paint it or maintain it or repair it.

Mr. Schmitt asked are you saying that she'd have to side wall the whole thing and make it resistant to fire damage?

Mr. Andrew stated what we're saying is if you build an addition to a home and you build a garage and it's 3 ft. or more from a property line you can just do standard construction. But if you're less than 3 ft. from a property line then you increase the risk of fire spread because what is next to you can also be closer. So you've got to build it in a different manner using more fire resistant material, fire rated, fire resistant sheet rocking and things of that nature. You can't have doors and openings, so it's much more restrictive when it's less than 3 ft.

Mr. Wilson asked not even windows? Can you have windows?

Mr. Andrew stated it would be very difficult to do that.

Mr. Wilson asked but that's for the addition?

Mr. Andrew stated it has nothing to do with what's there today. It only has to do with what type of new construction. And what the implication of that is, is if you're 3 ft. or greater you're just doing standard residential construction. Once you get inside 3 ft. the Building Services Department will be working with you on coming up with a plan to fire rate that exterior and it usually involves some fire resistant sheet rock or material that's not normally used in standard construction. It's over and above.

Mr. Wilson stated it sounds expensive.

Mr. Andrew stated that's our updated report and why for our purposes knowing exactly what the setback is is important because of overhangs,

drainage, for access and just for the type of construction required. Knowing that it's less than 3 ft. is important information to have.

Mr. Schmitt stated ok. Tammy you can come up.

Tammy Toothman, 1007 N. 7th Street, asked yes sir?

Mr. Schmitt asked what is your reaction to that?

Ms. Toothman stated it's hard to believe my house is 9 inches crooked. I would still like to do an addition. If I have to set it back I would like to know how much setback I need on it. It's a 3 generation house. My grandparents bought it in the 1930's, my mom had it and I an acquired it in 2000. I would like to do the work to it. I would like to fix it up and make it an investment for myself. So I need to get with John Burger and Mr. Dean to decide how much setback I actually need, because I do want to build the addition.

Mr. Schmitt asked Dean what is it, what is required?

Mr. Andrew stated again if we can keep the addition 7.5 ft. from the north property line we're just fine. If it's 5 ft. then we're back before this board but with better information than what we had. So, I think it's really going to depend on the interior floor plan and plumbing and everything in the house as to what is the right dimension you can get to that will keep it farther away from the north property line but still make it worthwhile doing. The magic number is 7.5 ft., that's the minimum setback.

Mr. Schmitt asked from the fence?

Mr. Andrew stated from the property line.

Mr. Sanborn stated the advantage that you have it does look like you will be able to build on to the west. Which even if you had the offset to make it rectangled or square. It looks like you still have some good options.

Ms. Toothman stated ok.

Mr. Schmitt asked will we need to table it to another meeting?

Mr. Andrew stated if she is still interested in doing an addition but we're not sure what the resulting setback would be then I would say option #2, to postpone action on this indefinitely, which leaves open the option of bringing it back to you for a lesser variance than what we talked about. But it also leaves open the possibility that if we work up a plan that has a 7.5 ft. setback then at some point this year we may come back to you and say this case is over, kind of like the one on East Magnolia. Actually, the carport was relocated and now it's gone.

Mr. Schmitt stated alright.

Mr. Wilson asked if we do postpone this is it sort of like a tabling so the applicant won't have to pay the fee again?

Mr. Andrew stated correct. It keeps the application open. It think that way we preserve our options. What we did today was commit ourselves to come back today and discuss it again and by tabling it indefinitely that reserves the right to come back, if we come back in June, that preserves that option so she doesn't have to refile or anything else.

Mr. Schmitt stated thank you.

MOTION: Mr. Sanborn stated Mr. Chairman I would like to make a motion that we table consideration of Application #V06-16 indefinitely or until further information can be brought before us or they find that they do not need a variance.

SECOND: Mr. Funk.

Mr. Schmitt stated alright it's been moved and seconded. We'll take a vote. All those in favor "aye".

VOTE: Motion carried 5-0.

Mr. Andrew stated we'll report back to you when we have something to report back.

Mr. Schmitt stated alright, thank you.

Item #3. Other matters.

Mr. Schmitt asked is there any other business?

Mr. Andrew stated we do have a case filed for the March meeting. It's a case on South 2nd Street where we have an existing dwelling and they would like to add a dwelling unit there and they do not have the required amount of lot square footage to have that number of dwelling units and they also do not have enough parking to support that number of units. So they'll be requesting parking and lot size variances. That will be scheduled for March.

Mr. Schmitt stated ok.

Mr. Andrew stated that will be in the block between Prescott and Crawford.

Mr. Schmitt stated ok.

Mr. Andrew stated that is all we have for you this afternoon.

Mr. Schmitt stated alright. With there being no other matters we're adjourned.

Meeting adjourned at 4:17 p.m.

Dean Andrew, Secretary

ATTEST

